

PENNIE & EDMONDS LLP DOCKET NO. 5914-078-999

DECLARATION
AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

SHORT-ROOT GENE, PROMOTER, AND USES THEREOF

and for which a patent application:

is attached hereto and includes amendment(s) filed on *(if applicable)*

☐ was filed in the United States on May 24, 2000 as Application No. 09/578,827 *(for declaration not accompanying application)*

with amendment(s) filed on *(if applicable)*

☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on *(if applicable)*

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

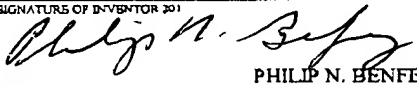
APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Bcrj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), William S. Galliani (Reg. No. 33885), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), and Alan Tenenbaum (Reg. No. 34939), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

PENNIE & EDMONDS LLP DOCKET NO. 5914-078-999

SEND CORRESPONDENCE TO:		PENNIE & EDMONDS LLP 1155 Avenue of the Americas New York, N.Y. 10036-2711		DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS LLP DOCKETING (212) 790-2803	
2 0 1	FULL NAME OF INVENTOR	LAST NAME Benfey	FIRST NAME Philip	MIDDLE NAME N.	
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 3 Washington Square Village, Apt. 6A	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10012
2 0 2	FULL NAME OF INVENTOR	LAST NAME Helariutta	FIRST NAME Yrjo	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Helsinki	STATE OR FOREIGN COUNTRY Finland	COUNTRY OF CITIZENSHIP Finland	
	POST OFFICE ADDRESS	STREET Oskelantie 8 A 5	CITY Helsinki	STATE OR COUNTRY Finland	ZIP CODE FIN-00320
2 0 3	FULL NAME OF INVENTOR	LAST NAME Fukaki	FIRST NAME Hidehiro	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Nara	STATE OR FOREIGN COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan	
	POST OFFICE ADDRESS	STREET Syoyoudai 4-26-12-201	CITY Nara	STATE OR COUNTRY Japan	ZIP CODE 631-0007
2 0 4	FULL NAME OF INVENTOR	LAST NAME Nakajima	FIRST NAME Keiji	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP Japan	
	POST OFFICE ADDRESS	STREET 14 Wahsington Place, Apt. 7K	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10003
2 0 5	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
2 0 6	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201  PHILIP N. BENFEY	SIGNATURE OF INVENTOR 202 YRJO HELARIUTTA	SIGNATURE OF INVENTOR 203 HIDEHIRO FUKAKI
DATE 12/17/2000	DATE	DATE
SIGNATURE OF INVENTOR 204 KEIJI NAKAJIMA	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE

PENNIE & EDMONDS LLP DOCKET NO. 5914-078-999

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2 0 1	FULL NAME OF INVENTOR	LAST NAME Benfey	FIRST NAME Philip	MIDDLE NAME N.	
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 3 Washington Square Village, Apt. 6A	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10012
2 0 2	FULL NAME OF INVENTOR	LAST NAME Helariutta	FIRST NAME Yrjo	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Helsinki	STATE OR FOREIGN COUNTRY Finland	COUNTRY OF CITIZENSHIP Finland	
	POST OFFICE ADDRESS	STREET Oskelantie 8 A 5	CITY Helsinki	STATE OR COUNTRY Finland	ZIP CODE FIN-00320
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	RESIDENCE & CITIZENSHIP	CITY Nara	STATE OR FOREIGN COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan	
	POST OFFICE ADDRESS	STREET Syoyoudai 4-26-12-201	CITY Nara	STATE OR COUNTRY Japan	ZIP CODE 631-0007
2 0 4	FULL NAME OF INVENTOR	LAST NAME Nakajima	FIRST NAME Keiji	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP Japan	
	POST OFFICE ADDRESS	STREET 14 Wahsington Place, Apt. 7K	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10003
2 0 5	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
2 0 6	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE

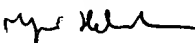
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 PHILIP N. BENFEY	SIGNATURE OF INVENTOR 202 YRJO HELARIUTTA	SIGNATURE OF INVENTOR 203 <i>Hidehiro Fukaki</i> HIDEHIRO FUKAKI
DATE	DATE	DATE 11/10/00
SIGNATURE OF INVENTOR 204 KEIJI NAKAJIMA	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE

PENNIE & EDMONDS LLP DOCKET NO. 5914-078-999

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2 0 1	FULL NAME OF INVENTOR	LAST NAME Benfey	FIRST NAME Philip	MIDDLE NAME N.				
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.				
	POST OFFICE ADDRESS	STREET 3 Washington Square Village, Apt. 6A	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10012			
2 0 2	FULL NAME OF INVENTOR	LAST NAME Helariutta	FIRST NAME Yrjo	MIDDLE NAME				
	RESIDENCE & CITIZENSHIP	CITY Helsinki	STATE OR FOREIGN COUNTRY Finland	COUNTRY OF CITIZENSHIP Finland				
	POST OFFICE ADDRESS	STREET Oskelantie 8 A 5	CITY Helsinki	STATE OR COUNTRY Finland	ZIP CODE FIN-00320			
2 0 3	FULL NAME OF INVENTOR	LAST NAME Fukaki	FIRST NAME Hidehiro	MIDDLE NAME				
	RESIDENCE & CITIZENSHIP	CITY Nara	STATE OR FOREIGN COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan				
	POST OFFICE ADDRESS	STREET Syoyoudai 4-26-12-201	CITY Nara	STATE OR COUNTRY Japan	ZIP CODE 631-0007			
2 0 4	FULL NAME OF INVENTOR	LAST NAME Nakajima	FIRST NAME Keiji	MIDDLE NAME				
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP Japan				
	POST OFFICE ADDRESS	STREET 14 Wahsington Place, Apt. 7K	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10003			
2 0 5	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME				
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP				
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE			
2 0 6	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME				
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP				
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE			

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SIGNATURE OF INVENTOR 201 PHILIP N. BENFEY	SIGNATURE OF INVENTOR 202  YRJO HELARIUTTA	SIGNATURE OF INVENTOR 203 HIDEHIRO FUKAKI
DATE NOVEMBER 10, 2001	DATE NOVEMBER 10, 2001	DATE
SIGNATURE OF INVENTOR 204 KEIJI NAKAJIMA	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE

PENNIE & EDMONDS LLP DOCKET NO. 5914-078-999

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201	FULL NAME OF INVENTOR	LAST NAME Benfey	FIRST NAME Philip	MIDDLE NAME N.	
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 3 Washington Square Village, Apt. 6A	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10012
202	FULL NAME OF INVENTOR	LAST NAME Helariutta	FIRST NAME Yrjo	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Helsinki	STATE OR FOREIGN COUNTRY Finland	COUNTRY OF CITIZENSHIP Finland	
	POST OFFICE ADDRESS	STREET Oskelantie 8 A 5	CITY Helsinki	STATE OR COUNTRY Finland	ZIP CODE FIN-00320
203	FULL NAME OF INVENTOR	LAST NAME Fukaki	FIRST NAME Hidehiro	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Nara	STATE OR FOREIGN COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan	
	POST OFFICE ADDRESS	STREET Syoyoudai 4-26-12-201	CITY Nara	STATE OR COUNTRY Japan	ZIP CODE 631-0007
204	FULL NAME OF INVENTOR	LAST NAME Nakajima	FIRST NAME Keiji	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP Japan	
	POST OFFICE ADDRESS	STREET 14 Wahsington Place, Apt. 7K	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10003
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 PHILIP N. BENFEY	SIGNATURE OF INVENTOR 202 YRJO HELARIUTTA	SIGNATURE OF INVENTOR 203 HIDEHIRO FUKAKI
DATE	DATE	DATE
SIGNATURE OF INVENTOR 204 <i>Keiji Nakajima</i> KEIJI NAKAJIMA	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE 11/8/00	DATE	DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: ☒ Application of: BENEFY et al
☐ Patent of:

☒ Application No.: 09/578,827
☐ Patent No.:

☒ Filed: May 24, 2000
☐ Issued:

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

For: SHORT-ROOT GENE, PROMOTER, AND USES Attorney Docket No.: 5914-078-999
THEREOF

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) and 1.27(d)] - Nonprofit Organization

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of organization NEW YORK UNIVERSITYAddress of organization 70 Washington Square SouthNew York, New York 10012

Type of organization

- ☒ University or other institution of higher education
☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))
☐ Nonprofit scientific or educational under statute of state of the United States of America
(Name of state _____)
(Citation of statute _____)
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in the United States of America.
☐ Would qualify as nonprofit scientific or educational under statute of state of the United States of America if located in the United States of America
(Name of state _____)
(Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled SHROT-ROOT GENE, PROMOTER, AND USES THEREOF by inventor(s) Philip N. Benfey, Yrjo Helariutta, Hidehiro Fukaki, Keiji Nakajima described in

- ☐ the specification filed herewith
☒ application no. 09/578,827 filed May 24, 2000
☐ patent no. _____ issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified above and/or there is an obligation under contract or law by the inventor(s) to convey rights to the nonprofit organization identified above with regard to the invention.



If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME Philip N. Benfey

ADDRESS 3 Washington Square Village, Apt. 6A

New York, NY 10012

☒ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME Yrjo Helariutta

ADDRESS Oskelantie 8 A 5

Helinski Finland, FIN-00320

☒ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME Hidehiro Fukaki

ADDRESS Syouyoudai 4-26-12-201

Nara JAPAN 631-0007

☒ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME Keiji Nakajima

ADDRESS 14 Washington Place, Apt. 7K

New York, NY 10003

☒ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to:

PENNIE & EDMONDS LLP
1667 K Street, N.W.
Washington, D.C. 20006

Direct Telephone calls to:
PENNIE & EDMONDS LLP
(202) 496-4400

Name of person signing _____

Title of person other than owner _____

Address of person signing New York University Medical Center

550 First Avenue

New York, NY 10016

Signature _____ Date _____

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.
(37 CFR 1.27)

JOINT

ASSIGNMENT

WHEREAS, WE, Philip BENFEY, Yrjo HELARIUTTA, Hidehiro FUKAKI, Keiji NAKAJIMA, ASSIGNORS, citizens of the United States, Finland, Japan and Japan, respectively, residing at 3 Washington Square Village, Apt. 6A, New York, NY 10012; Oskelantie 8 A 5, Helsinki, Finland, FIN-00320 and 14 Washington Place, Apt. 7K, are the inventors of the invention in **SHORT-ROOT GENE, PROMOTER, AND USES THEREOF** for which we have executed an application for a Patent of the United States

☐ which is executed on ☐ even date herewith or ☐ _____

- ☒ which is identified by Pennie & Edmonds LLP docket no. 5914-078-999
☒ which was filed on May 24, 2000, Application No. 09/578,827

and WHEREAS, New York University, a company in New York, and having a place of business at 70 Washington Square South, New York, New York 10012, ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

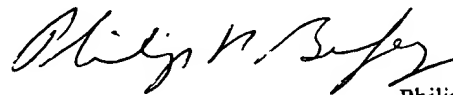
AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date _____, 2000 L.S.



Philip Benfey

State of _____)
 County of _____) SS.:

In the State of New York, county of Bronx, on Dec. 14, before me, Cesar A. Grullon Notary Public, personally appeared Philip Benfey, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal



CESAR A. GRULLON
 NOTARY PUBLIC, State of New York
 No. 01GR6012008
 Qualified in Bronx County
 Commission Expires Aug 17, 2006



Dec. 14, 2000

JOINT

ASSIGNMENT

WHEREAS, WE, Philip BENFEY, Yrjo HELARIUTTA, Hidehiro FUKAKI, Keiji NAKAJIMA, ASSIGNORS, citizens of the United States, Finland, Japan and Japan, respectively, residing at 3 Washington Square Village, Apt. 6A, New York, NY 10012; Oskelantie 8 A 5, Helsinki, Finland, FIN-00320 and 14 Washington Place, Apt. 7K, are the inventors of the invention in **SHORT-ROOT GENE, PROMOTER, AND USES THEREOF** for which we have executed an application for a Patent of the United States

☐ which is executed on ☐ even date herewith or ☐ _____

☒ which is identified by Pennie & Edmonds LLP docket no. 5914-078-999
☒ which was filed on May 24, 2000, Application No. 09/578,827

and WHEREAS, New York University, a company in New York, and having a place of business at 70 Washington Square South, New York, New York 10012, ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date _____, 2000

L.S.

Philip Benfey

State of _____)
County of _____) SS.:

In the State of _____, county of _____, on _____, before me, _____, Notary Public, personally appeared Philip Benfey, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Date

, 2000

L.S.

Yrjo Helariutta

State of

) SS.:

County of

On _____, 2000, before me, _____, Notary Public, personally appeared Yrjo Helariutta, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Date

11/10

, 2000

L.S.

Hidehiro Fukaki

Hidehiro Fukaki

State of

New York

) SS.:

County of

New York

On November 10, 2000, before me, A, Notary Public, personally appeared Hidehiro Fukaki, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Maureen Valenti

MAUREEN VALENTI
Notary Public, State of New York
No. 01VA5014085
Qualified in Kings County
Commission Expires July 15, 192001

Date

, 2000

L.S.

Keiji Nakajima

State of

) SS.:

County of

On _____, 2000, before me, _____, Notary Public, personally appeared Keiji Nakajima, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Date NOVEMBER 22, 2000

L.S.

Yrjo Helariutta

State of Finland)
 County of Helsinki) SS.:

On 22nd of November, 2000, before me, Peter Oljemark, Notary Public, personally appeared Yrjo Helariutta, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Peter Oljemark
PETER OJEMARK
 Notary Public



Date _____, 2000

L.S.

Hidehiro Fukaki

State of _____)
 County of _____) SS.:

On _____, 2000, before me, _____, Notary Public, personally appeared Hidehiro Fukaki, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Date _____, 2000

L.S.

Keiji Nakajima

State of _____)
 County of _____) SS.:

On _____, 2000, before me, _____, Notary Public, personally appeared Keiji Nakajima, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Date _____, 2000 L.S.

Yrjo Helariutta

State of _____)
County of _____) SS.:

On _____, 2000, before me, _____, Notary Public, personally appeared Yrjo Helariutta, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Date _____, 2000 L.S.

Hidehiro Fukaki

State of _____)
County of _____) SS.:

On _____, 2000, before me, _____, Notary Public, personally appeared Hidehiro Fukaki, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal


Date November 8, 2000 L.S.

Keiji Nakajima

State of NY New York
County of New York SS.:

On November 8, 2000, before me, A, Notary Public, personally appeared Keiji Nakajima, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal



MAUREEN VALENTI
Notary Public, State of New York
No. 01VA5034085
Qualified in Kings County
Commission Expires July 15, 192001